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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 ❖,
10 Plaintiff,
11 vs.
12 ❖,
13 Defendant.
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15) No. ❖ NVW
16)
17) **CASE MANAGEMENT ORDER**
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On ❖(date), a Case Management Conference was held pursuant to Rule 16(b) of the Federal Rules of Civil Procedure. The parties met before the conference in accordance with Rule 26(f) and prepared a Case Management Report. On the basis of the Case Management Conference and the Case Management Report,

IT IS HEREBY ORDERED:

1. Deadline for Initial Disclosures. Initial disclosures required by Federal Rule of Civil Procedure 26(a), if not already exchanged, shall be exchanged no later than ❖(date). The parties shall file with the Clerk a Notice of Initial Disclosure, rather than copies of the actual disclosures.

2. Deadline for Joining Parties and Amending Pleadings. The deadline for joining parties and amending pleadings is 90 days from the date of this Order. Motions to join parties or for leave to amend pleadings shall be filed within 30 days of this Order so they can be heard and decided prior to the deadline.

1 3. Discovery Limitations. Depositions in this case shall be limited to seven hours
2 each as provided in Rule 30(d)(2) of the Federal Rules of Civil Procedure. The number of
3 depositions and interrogatories shall be as limited in LRCiv 16.2. Each side may also
4 propound up to 40 requests for production of documents, including subparts, and up to 40
5 requests for admissions, including subparts. The limitations set forth in this paragraph may
6 be increased by mutual agreement of the parties, but such an increase will not result in an
7 extension of the discovery deadlines set forth below.

8 4. Deadline for Completion of Fact Discovery. The deadline for completing fact
9 discovery, including all disclosure required under Rule 26(a)(3), shall be ❖(date). To ensure
10 compliance with this deadline, the following rules shall apply:

11 a. Depositions: All depositions shall be scheduled to commence at least
12 five working days prior to the discovery deadline. A deposition commenced five days prior
13 to the deadline may continue up until the deadline, as necessary.

14 b. Written Discovery: All interrogatories, requests for production of
15 documents, and requests for admissions shall be served at least 45 days before the discovery
16 deadline.

17 c. Notwithstanding LRCiv 7.3(c), the parties may mutually agree in
18 writing, without Court approval, to extend the time provided for discovery responses in Rules
19 33, 34, and 36 of the Federal Rules of Civil Procedure. Such agreed-upon extensions,
20 however, shall not alter or extend the discovery deadlines set forth in this Order.

21 5. Deadlines for Disclosure of Experts and Completion of Expert Discovery.

22 a. The Plaintiff(s) shall provide full and complete expert disclosures as
23 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
24 ❖(date).

25 b. The Defendant(s) shall provide full and complete expert disclosures as
26 required by Rule 26(a)(2)(A)-(C) of the Federal Rules of Civil Procedure no later than
27 ❖(date).

1 c. Rebuttal expert disclosures, if any, shall be made no later than ❖(date).
2 Rebuttal experts shall be limited to responding to opinions stated by initial experts.

3 d. Expert depositions shall be completed no later than ❖(date). As with
4 fact witness depositions, expert depositions shall be scheduled to commence at least five
5 working days before the deadline.

6 e. No expert witness not timely disclosed will be permitted to testify unless
7 the party offering such witness demonstrates: (a) that the necessity of such expert witness
8 could not have been reasonably anticipated at the time of the deadline for disclosing such
9 expert witness; (b) the Court and opposing counsel or unrepresented party were promptly
10 notified upon discovery of such expert witness; and (c) that such expert witness was
11 promptly proffered for deposition. *See Wong v. Regents of the Univ. of Cal.*, 379 F.3d 1097,
12 1103 (9th Cir. 2004).

13 6. Discovery Disputes.

14 a. The parties shall not file written discovery motions without leave of
15 Court. If a discovery dispute arises in the course of a deposition and an immediate ruling of
16 the Court is necessary, the parties shall jointly telephone the Court to request a telephone
17 conference concerning the dispute. If any other discovery dispute arises, the parties shall
18 submit (1) a brief written summary of the dispute, not to exceed one page, with explanation
19 of the position taken by each party and (2) a written certification that the counsel or the
20 parties have attempted to resolve the matter through personal consultation and sincere effort
21 as required by LRCiv 7.2(j) and have reached an impasse. If the opposing party has refused
22 to personally consult, the party seeking relief shall describe the efforts made to obtain
23 personal consultation. Counsel or the parties may then telephone the Court to obtain a time
24 for a telephone conference, and the Court may enter appropriate orders on the basis of the
25 telephone conference. The Court may order written briefing if it does not resolve the dispute
26 during the telephone conference. Any briefing ordered by the Court shall also comply with
27 LRCiv 7.2(j).
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1 b. Absent extraordinary circumstances, the Court will not entertain fact
2 discovery disputes after the deadline for completion of fact discovery and will not entertain
3 expert discovery disputes after the deadline for completion of expert discovery.

4 7. Deadline for Filing Dispositive Motions.

5 a. Dispositive motions shall be filed no later than ♦(date). Such motions
6 must comply in all respects with the Federal Rules of Civil Procedure and the Local Rules.

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8 b. No party shall file more than one motion for summary judgment under
9 Rule 56 of the Federal Rules of Civil Procedure unless permission is first obtained, by joint
10 telephone call, from the Court.

11 c. Failure to respond to a motion within the time periods provided in
12 LRCiv 7.2 will be deemed a consent to the denial or granting of the motion and the Court
13 may dispose of the motion summarily pursuant to LRCiv 7.2(i).

14 d. A party desiring oral argument shall place the words "Oral Argument
15 Requested" immediately below the title of the motion pursuant to LRCiv 7.2(f). The Court
16 will issue a Minute Entry Order scheduling oral argument as it deems appropriate.

17 8. Deadline for Engaging in Good Faith Settlement Talks. All parties and their
18 counsel shall meet in person and engage in good faith settlement talks no later than ♦(date).
19 Upon completion of such settlement talks, and in no event later than five working days after
20 the deadline set forth in the preceding sentence, the parties shall file with the Court a joint
21 Report on Settlement Talks executed by or on behalf of all counsel. The Report shall inform
22 the Court that good faith settlement talks have been held and shall report on the outcome of
23 such talks. The parties shall promptly notify the Court at any time when settlement is
24 reached during the course of this litigation.

25 The court will set a settlement conference before a Magistrate Judge upon request of
26 all parties.

27 The parties are encouraged to discuss settlement at all times during the pendency of
28 the litigation. The court will not, however, extend the case processing deadlines because the

1 parties wish to avoid litigation expense if and when they elect to pursue settlement efforts,
2 including a settlement conference before a Magistrate Judge. The parties should plan their
3 settlement efforts accordingly.

4 9. Motions for Summary Judgment.

5 a. If no Motions for Summary Judgment have been filed, then Plaintiff(s)
6 shall file a Joint Proposed Pretrial Order by ♦(date). The Order shall be in the form found
7 at www.azd.uscourts.gov under Judges & Courtrooms; Orders, Forms & Procedures; Judge
8 Wake. There are separate orders for cases being heard by a jury and cases being heard by
9 the Court.

10 b. If Summary Judgment Motions have been filed, then Plaintiff(s) shall
11 file and serve Joint Proposed Pretrial Order within ten days after the resolution of such
12 dispositive motions.

13 10. Final Pretrial Conference. The parties who will be trying the case shall appear
14 at the Final Pretrial Conference **TO BE SET BY LATER ORDER.**

15 11. The Deadlines Are Real. The parties are advised that the Court intends to
16 enforce the deadlines set forth in this Order, and should plan their litigation activities
17 accordingly. The court will not extend the case processing deadlines because the parties
18 wish to avoid litigation expense if and when they elect to pursue settlement efforts, including
19 a settlement conference before a Magistrate Judge.

20 12. Dismissal for Failure to Meet Deadlines of this Order or of the Rules.
21 The parties are warned that failure to meet any of the deadlines in this Order or in the Federal
22 Rules of Civil Procedure without substantial justification may result in sanctions, **including**
23 **dismissal of the action or entry of default.**